

Remarks/Arguments:

Claims 1-26 are pending and stand rejected.

By this Amendment, claims 1, 3, 8-12, 14, 22, and 24-26 are amended, and claims 2, 4-7, and 15-21 are cancelled without prejudice. Support for the claim amendments can be found throughout the specification and, more particularly, at page 3, line 7 to page 4, line 18.

Rejections under 35 U.S.C. §112 first paragraph

In the Office Action, at page 2, claims 22 and 24 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 22 and 24 have been amended to overcome this rejection. In particular, in claim 22, first and second memory locations have been amended to first and second recording areas. Support for the first and second recording areas may be found in the original specification in the paragraph spanning pages 3 and 4.

Reconsideration is respectfully requested.

Claim Rejections under 35 U.S.C. §102(e)

In the Office Action at pages 2-3, claims 14, 25, and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by Berstis (U.S. Patent No. 6,564,005). Reconsideration is respectfully requested.

Claim 14 is directed to a method of forming a program list, and recites:

- (a) determining whether a password is inputted and valid;
- (b) storing the program information: (1) in a first program list recording part, when the password is both inputted and valid and (2) in a second program list recording part when the password is either not inputted or not valid;
- (c) forming and displaying the program list from one of: (1) said first program list recording part, (2) said second program list recording part; or (3) said first and second program list recording parts.

That is, whether a password is inputted and valid is determined such that the program information is stored in a second program list recording part when the password is either not inputted or not valid and the program list is formed and displayed from one of the first program list recording part, the second program list recording part, or the first and second program list recording parts.

Berstis Reference

The Examiner acknowledges at page 6, first full paragraph, that Berstis does not teach the limitations of a "2nd part of recording that does not require password." Thus, Berstis does not disclose or suggest the determining, storing or forming and displaying steps recited in claim 14. More particularly, Berstis discloses that a user logs onto the system by entering a password, and the system authenticates the user. Berstis is silent regarding the use of the system without the entry of such a password. (See, for example, Berstis at column 7, lines 11-22 and column 10, lines 4-16.) It is noted, that Berstis discloses the use of smartcards, as one example, of a method for authentication equivalent to a password. Berstis, however, is silent regarding the use of the system without such authentication. Accordingly, Berstis does not disclose or suggest the recitations in claim 14 of "determining whether a password is inputted" or "storing the program information ... in a second program list recording part when the password is either not inputted or not valid." Accordingly, claim 14 is submitted to be patentably distinguishable over Berstis for the above-mentioned reasons.

Claim 25

Claim 25 is directed to a reading and reproducing device, and recites "a second program list recording part whose information is indicated when a user does not input said valid password."

Berstis Reference

Since Berstis is silent regarding the use of the system without a valid password, it does not suggest a second program list recording part whose information is indicated when a user does not input a valid password.

Claim 25, for reasons similar to that of claim 14, is submitted to patentably distinguish over Berstis.

Claim 26

Claim 26, which includes similar but not identical features to that of claim 25, is submitted to patentably distinguish over Berstis for at least similar reasons to those of claim 25.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, at pages 4 through 9, claims 1-13 and 15-24 are rejected under 35 U.S.C. § 103(a) as being obvious over Berstis in further view of Ellis et al. (U.S. Patent Publication No. 2002/0054068) (hereafter referred to as Ellis), and Look et al. (U.S. Patent No. 6,757,906) (hereafter referred to as Look).

Reconsideration is respectfully requested.

Claim 1

Claim 1 is directed to a reading and reproducing device, and recites:

... the control input means determines whether the program information is to be stored in a first program list recording part or a second program list recording part, and

the program list forming means are provided one of a plurality of indication modes, the plurality of indication modes including: (1) a first indication mode in which said program list is read from one of: (i) the first program list recording part; or (ii) the first program list recording part and the second program list recording part to form the program list and (2) a second indication mode in which said program list is read from the second program list recording part to form the program list.

That is, one of a plurality of indications modes is provided to the program list forming means to form the program list. These indication modes include a first indication mode read from either the first program list part, or the first and second program list parts, and a second indication mode read from the second program list recording part.

Berstis Reference

Berstis is described above. Berstis is silent regarding indication modes in which program lists are read from first and/or second program list recording parts.

Ellis Reference

Ellis discloses that media may be distributed from one or more main facilities to television distribution facilities and ultimately to television equipment. In the Ellis media recording system, an interactive program guide system with a storage device is provided such that time changes may be tracked to delay the start and/or extend the end times of media events from their scheduled start and/or end times. (See Ellis at paragraph [0010].) Thus, Ellis is concerned with users scheduling of programs for recording and playback at a later time. Ellis is silent regarding a plurality of indication modes and, more particularly, "(1) a first indication mode in which said program list is read from one of: (i) the first program list recording part; or (ii) the first program list recording part and the second program list recording part to form the program list and (2) a second indication mode in which said program list is read from the second program list recording part to form the program list," as required by claim 1.

Look Reference

Look discloses that by pressing the TIVO button 1401, a viewer using the viewer interface may display a menu as shown in Fig. 16 of Look. TIVO central 1601 is a central location that contains a list of areas that the viewer can visit and is easily accessible through a single push button on the remote control 1401. (See Look at column 14, lines 28-33.) That is, Look describes a user interface for indicating a list of areas that a viewer can visit. Look, however, does not disclose or suggest first and second indication modes as recited in claim 1. Thus, Look does not overcome the deficiencies of Berstis and Ellis with respect to the indication features of claim 1.

It is submitted that the cited art of Berstis, Ellis, and Look, taken singularly or in any proper combination, do not disclose or suggest the indication features of claim 1.

Accordingly it is submitted that claim 1 patentably distinguishes over the cited art of Berstis, Ellis and Look for at least the above-mentioned reasons.

Claims 3 and 8-13

Claims 3 and 8-13 which include all of the limitations of claim 1 from which they ultimately depend, are also submitted to patentably distinguish over Berstis, Ellis and Look for at least the same reasons as claim 1.

Claim 22

Claim 22 is directed to a recording and reproducing apparatus and recites "a first recording area where program information is at least one of stored and accessed when a valid password is entered, and a second recording area where said program information is at least one of stored and accessed when said valid password is not entered." That is, in the recording and reproducing apparatus first and second recording areas are included for storage and access of program information. The storage and access is conditioned on a valid password being entered.

Berstis Reference

Berstis is described above. Berstis, as the Examiner previously acknowledged at page 6 of the Office Action, does not teach the second recording part not requiring a password. Applicants submit that Berstis does not disclose storing and accessing a second recording area based on a condition, (i.e., when a valid password is not entered).

Ellis and Look References

Ellis and Look are both described above. Ellis and Look do not overcome the deficiencies of Berstis. This is because neither Ellis nor Look disclose storing and accessing a second recording area based on a condition (i.e., when a valid password is not entered). The Examiner contends, however, that Ellis teaches "recording without password by products

having been developed that allow users to manage their viewing experiences and record media with increased flexibility." The Examiner further contends that Look further teaches "about TIVO operations without password required."

Applicants respectfully disagree with the Examiner and believe that Ellis at paragraph [0004] merely teaches that TIVO allows a user to schedule programs and play them back at a later time and that the cited portions of Look require separate remote controls in order to have different levels of access. For example, Look states "[r]emote controls are encoded for a specific user in a household. This allows each person in the household to have a personal remote control." (See Look at column 16, lines 42-44.) Moreover, "[s]pecific remote control(s) can be set up so that different levels of parental controls are engaged for each remote control. Children, for example, will have their own personal remote controls that are set up to not allow them to watch any show with greater than a G-rating." (See Look at column 16, line 65 to column 17, line 2.) Thus, Look teaches away from a recording and reproducing apparatus having a first recording area where program information is stored and accessed based on a first condition (i.e., entry of a valid password), and a second recording area where the program information is stored and accessed based on a second condition (i.e., when a valid password is not entered), because in Look each user has a separate remote to delineate areas of access.

Further, a combination of the teachings of Berstis, Ellis and Look does not produce the claimed invention recited in claim 22. This is because, the resulting device of such a combination would not have first and second recording areas and would not require a valid password for storage and access to one of the first and second recording areas.

It is submitted that Berstis, Ellis, and Look, taken singularly or in any proper combination, do not disclose or suggest the above-mentioned recitations in claim 22.

Accordingly, it is submitted that claim 22 patentably distinguishes over the combination of Berstis, Ellis, and Look for the above-mentioned reasons.

Claim 23

Claim 23, which includes all of the limitations of claim 22 from which it depends, is also submitted to patentably distinguish over the combination of Berstis, Ellis, and Look for at least the same reasons as claim 22.

Claim 24

Claim 24, although not identical to claim 22, includes similar patentably distinguishing features and is also submitted to patentably distinguish over the combination of Berstis, Ellis, and Look for at least similar reasons to those of claim 22.

Claims 2, 4-7 and 15-21

Claims 2, 4-7 and 15-21 have been canceled without prejudice.

Accordingly, the rejection of these claims is now moot.

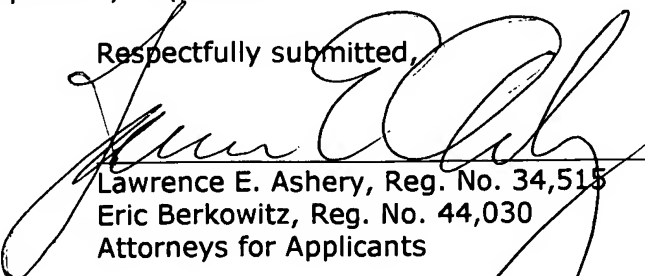
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Conclusion

In view of the claim amendments and arguments set forth above, this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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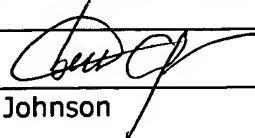
LEA/EB/bj

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